

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.10515 OF 2007

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DATED: 06-09-2007

BETWEEN

Alluri Prabhavathi,
W/o. Venkatarama Prasad,
R/o. D.No.3B-9-8,
Chappadi Vari Street,
Eluru, West Godavari District.

...PETITIONER

AND

The District Collector,
West Godavari District,
Eluru and others.

...RESPONDENTS

ORDER:

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Petitioner submits that she is the owner of the land in an extent of Ac.2.50 cents in Sy.No.34 of Uppalapadu Village and her husband is the owner of an extent of Ac.2.50 cents of land. She further submits that her mother-in-law – the sixth respondent and the brothers of her husband have got agricultural land to an extent of Ac.4.32 cents adjacent to their lands in the same survey number. She further submits that a bore well was dug jointly in 1995, thereafter; the sixth respondent also dug a bore well in her lands within a distance of 20 yards from the existing bore well without obtaining any permission from the competent authority; accordingly she made a complaint/representation dated 20.04.2007 before the concerned authorities stating that the bore well dug by the sixth respondent is illegal and contrary to the Andhra Pradesh Water, Land and Trees Act, 2002 (for short 'the Act').

2. Learned Government Pleader appearing for the official respondents submits that under Section 7(1) of the Act though initially notification has been issued for a period of six months prohibiting exploitation of water but the said notification has not been extended, therefore, there is no prohibition to dug a bore well. Whereas the learned counsel for the petitioner submits that under Section 10(1) of the Act no bore well can be dug within 250 meters distance of the public drinking water resource and within 50 meters in the areas other than covered under Section 9 and 11(1) of the Act. He further submits that the bore well dug by the sixth respondent is within 50 meters i.e. at a distance of 20 meters from the existing bore well, therefore, the said bore well dug by the sixth respondent is contrary to the Act.

3. I have perused the representation filed by the petitioner in April 2007 addressed to the District Collector wherein absolutely no particulars have been furnished as to when the sixth respondent dug the bore well. However, the sixth respondent filed a counter denying the digging of the bore well as alleged by the petitioner and stated that no such bore well has been dug after 1995 and whatever bore well has been dug it was dug in 1995. Therefore, I am of the opinion that the said disputed questions cannot be decided in a writ petition.

4. Having regard to the facts and circumstances of the case, as a representation is said to have been filed by the petitioner on 20.04.2007, the first respondent is directed to consider and dispose of the said representation in accordance with law after giving reasonable opportunity to the petitioner as well as the sixth respondent.

The writ petition is accordingly disposed of. There shall be no order as to costs.

V. ESWARAIAH, J

September 6, 2007

DSK